THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 18105 of 2005

Dated: 18th August, 2005.

Between:

1. Mittapalli Sakunthala

..... PETITIONER

AND

1. The Revenue Divisional Officer, Mancherial,

Adilabad District and two others

.....RESPONDENTS

ORDER:

This writ petition is directed against the notice dated 27-07-2005 issued by the first respondent-Revenue Divisional Officer, Mancherial Mandal, directing the petitioner to appear before him on 20-08-2005 at about 11 a.m. and to participate in the enquiry with the documentary evidence in support of her claim to the land in Survey Nos.247/AA, 84/A and 271/AA to an extent of Ac.6-10 guntas, Ac.1-07 guntas and Ac.1-22 guntas respectively.

2. The case of the petitioner is that her father gifted the schedule lands to a total extent of Ac.8-39 cents situated at Rapalli village in the year 1965 to her at the time of her marriage.

Respondents 1 and 2 have recognised her title and issued a pattadar passbook. The third respondent, who is the wife of her brother, filed a suit in O.S.No.43 of 1996 on the file of the Junior Civil Judge, Luxettipet, claiming the petitioner's share property as gifted in the name of the third respondent by the father of the petitioner. On trying the said suit, as well as the another suit filed by the third respondent, further suit filed by the sister of the petitioner M.Shankaramma, the learned Junior Civil Judge, Luxettipet, passed a common judgment in all the suits viz., O.S.No.43 of 1996, O.S.No.40 of 1996-counter claim filed by the petitioner and O.S.No.53 of 1996 filed by the sister of the petitioner, dismissing the suits filed by the sister-in-law of the petitioner i.e. the third respondent herein and allowing the counter claim of the petitioner declaring her as she is entitled for recovery of possession as well as mesne profits of Rs.8,000/- for 1994-95 and 1995-96 vide judgment dated 22-06-2004. Therefore, her title over the gifted property was perfected by the learned Junior Civil Judge, Luxettipet. It is submitted that the second respondent-Mandal Revenue Officer, Mancherial Mandal, has also conducted enquiry and transfer orders were issued in the name of the petitioner by proceedings dated 09-02-2005 in respect of the suit schedule lands. The petitioner apprehends that respondents 1 and 2 are going to change her name from the Revenue records by incorporating others' names in such records, without calling for her objections. Hence this writ petition.

3. Heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of respondents 1 and 2.

4. Considering the facts and circumstances of the case, the first respondent-Revenue Divisional Officer, Mancherial, has issued intimation of enquiry of the appeal filed by the third respondent. Therefore, the petitioner should have appeared and defended her

case instead of approaching this Court by filing the present writ petition.

5. Therefore, without going into the merits of the case, I deem it appropriate to dispose of the writ petition at the stage of admission, directing the petitioner to appear before the first respondent-Revenue Divisional Officer, Mancherial, as directed by him in the impugned notice dated 27-07-2005, and defend her case for passing order by the first respondent. No order as to costs.

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ELIPE DHARMA RAO, J

18th August, 2005.

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